

CHANGES FROM 6TH APRIL 2009

THE FLEXIBLE WORKING (ELIGIBILITY, COMPLAINTS AND REMEDIES) (AMENDMENT) REGULATIONS 2009

Flexible Working

Before 6 April 2009, employees who were parents of children under 6, or who had a disabled child under 18 had the right to request flexible working from their employers. From 6 April 2009 this will be extended to parents of all children up to 16 years old. Employers are not obliged to grant the requests, but must seriously consider any application. An application should be acknowledged and a meeting must be arranged within 28 days of receipt to discuss the application for flexible working. The employer can only reject it if there are good business reasons for doing so.

THE WORKING TIME (AMENDMENT) REGULATIONS 2007

Holiday Entitlement

Before 6 April 2009 employees working a five-day week were entitled to a minimum of 4.8 weeks or 24 days paid holiday. From 6 April 2009, this will increase to 5.6 weeks, or 28 days. This will apply pro-rata for part-time employees. Bank holidays can be included in the 5.6 weeks or can be allowed as an extra holiday allowance.

THE EMPLOYMENT ACT 2008

Grievance and Disciplinary Procedures

There will be some new provisions about the way in which grievance and disciplinary issues must be handled. These do not require any changes to your staff handbook but we will be composing a note about things to look out for in due course.

Enforcement of the National Minimum Wage

There will be changes in the way the National Minimum Wage is enforced. Wider powers will be given to HM Revenue and Customs officers and there will be new penalties for employers who underpay their workers. At the moment the National Minimum Wage is £5.73 for workers aged 22 and over. It will go up in October 2009 although the new figure has not yet been set.

Trade Union Membership Law

From 6 April 2009 unions will be able to expel or exclude members who are members of political parties such as the British National Party.

THIS NOTE IS INTENDED TO PROVIDE A BRIEF OVERVIEW OF RECENT LEGAL DEVELOPMENTS. IT IS NOT INTENDED TO BE A COMPREHENSIVE GUIDE OR TO CONSTITUTE LEGAL ADVICE. FOR FURTHER INFORMATION AND ADVICE PLEASE CONTACT ROSE SUNTER on 020 7405 4600. Email rsunter@sharpepritchard.co.uk. Sharpe Pritchard Solicitors, Elizabeth House, Fulwood Place, London, WC1V 6HG.